



9-26-05

AP/1644
ZFW

Docket No.: 04305/100H942-US2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jens Holm et al.

Application No.: 10/001,245

Filed: November 15, 2001

Art Unit: 1644

For: NOVEL MUTANT ALLERGENS

Examiner: P. J. Nolan

OK

to

REQUEST FOR RECONSIDERATION

ENCL
10/20/05

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

[1] Request for Reconsideration

Applicants request Reconsideration of the Final Office Action for the above-identified application that was mailed on September 16, 2005. The finality of the Office Action was improper because it included a new rejection that was neither necessitated by Applicants' amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 C.F.R. §1.97(c). MPEP 706.07(a). Applicants request that the Final Office Action be withdrawn and replaced with a new non-final Office Action.

[2] Analysis

The Final Office Action mailed September 16, 2005 at pages 3-4 includes a provisional obviousness-type double patenting rejection over claims 36-96 of co-pending application serial no.